



CWP-25649-2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-25649-2015 (O&M)

Date of Decision: 11.02.2025

Union of India and others

..... Petitioners

Versus

Girdhari Lal and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Amit Arora, Advocate for the petitioners.

None for the respondents.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petition relates to the year 2015 and is pending since now. Service has been effected upon the respondents but no one is appearing on their behalf in this case since long. The matter has been adjourned several times, however, now the matter would be decided in the absence of the respondents.

2. The issue raised in the present petition is no more *res integra* and stands finally adjudicated by the Hon'ble Supreme Court in the case of '*Union of India and others Vs. M.V. Mohanan Nair*' 2020 INSC 281.

3. The Central Administrative Tribunal, Chandigarh has passed the impugned judgment dated 03.07.2014 and held that an employee who was entitled to financial upgradation under the MACP Scheme in the immediate next grade pay of promotion post and not merely next grade pay in the hierarchy and accordingly, directed the financial upgradation under

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MACP Scheme to the total applicants in the grade pay of the promotional post from due date with consequential benefits of arrears of pay and allowances.

4. In ***Union of India and others Vs. M.V. Manmohan Nair's*** case (supra), the Larger Bench of the Hon'ble Supreme Court had an occasion to examine the following questions answering question No.1 which is relevant for the purpose of the present case, the Court observed as under:-

“28. The object behind the MACP Scheme is to provide relief against the stagnation. If the arguments of the respondents are to be accepted, they would be entitled to be paid in accordance with the grade pay offered to a promotee; but yet not assume the responsibilities of a promotee. As submitted on behalf of Union of India, if the employees are entitled to enjoy Grade Pay in the next promotional hierarchy, without the commensurate responsibilities as a matter of routine, it would have an adverse impact on the efficiency of administration.

35. The prescription of Pay Scales and incentives are matters where decision is taken by the Government based upon the recommendation of the expert bodies like Pay Commission and several relevant factors including financial implication and court cannot substitute its views. As held in Haryana Civil Secretariat Personal Staff Association (2002) 6 SCC 72, the court should approach such matters with restraint and interfere only when the court is satisfied that the decision of the Government is arbitrary. Even in a case where the court takes the view that order/Scheme



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passed by the Government is not an equitable one, ordinarily only a direction could be given to the State Government or the authority for consideration of the matter and take a decision. In the present batch of cases where the respondents are claiming financial upgradation in the grade pay of promotional hierarchy, no grounds are made out to show that the MACP Scheme granting financial upgradation in the next grade pay is arbitrary and unjust; warranting interference. The implementation of the MACP Scheme is claimed to have led to certain anomalies; but as pointed out earlier, MACP Scheme itself is not under challenge”.

5. The judgment passed in the case of **‘Raj Pal Vs. Union of India etc.’ in OA No.1038-CH-2010, decided on 31.05.2011**, as relied upon by the Central Administrative Tribunal, was held not to be taken as a precedent in other cases (para 42). Thus, henceforth the financial upgradation under MACP Scheme would be to the immediate next grade pay in the hierarchy.
6. In view of the above, the order dated 03.07.2014 passed by the Central Administrative Tribunal, Chandigarh is set aside and accordingly, the instant petition is allowed in the aforesaid terms.
7. The pending misc. application, if any, shall stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

11.02.2025

D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No